

Naples City Council

February 9, 2012

Minutes

The regularly scheduled meeting of the Naples City Council was held February 9, 2012, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dan Olsen, and Kenneth Reynolds. Dennis Long was absent.

Others attending were Bill Crowley, Mike Wilson, Kelly Heitz, Kathy Harper, Jim Harper, Levi Walker, Rylee Harris, David Olsen, Mitch Montgomery, Jeremy Raymond, Karen Melancon, John Prion, Adam Ray, Greg Olsen, Nancy Olsen, Bret Stringham, Craig Blunt, Mark Watkins, Connie Patton, and Chris Hoem.

At 7:30 p.m. Mayor Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Dan Olsen offered the invocation.

Mayor Baker asked for approval of the agenda. Councilman Kitchen asked to be added under 'Other Matters' and Craig Blunt asked to add a report from Guy Collet of the Beehive Homes to the end of the agenda. Dan Olsen **moved** to approve the agenda. Robert Hall **seconded** the motion. The motion passed with all in attendance voting aye.

Mayor Baker asked for approval of the minutes of January 26, 2012. Dan Olsen **moved** to approve the minutes of January 26, 2012. Kenneth Reynolds **seconded** the motion. The motion passed with all in attendance voting aye. Gordon Kitchen abstained from the vote.

Mayor Baker asked if anyone had anything to discuss or follow up on from the previous meeting. There was no discussion.

Connie Patton presented the bills in the amount of \$40,458.03 and asked for approval to pay them. Councilman Kitchen asked about the drug testing under the different departments and wanted to know how the City was doing

DATE, TIME & PLACE OF MEETING

COUNCIL MEMBERS ATTENDING

OTHERS ATTENDING

OPENING CEREMONY

AGENDA APPROVED

MINUTES APPROVED

FOLLOW UP ITEMS FROM PREVIOUS MEETING

APPROVAL OF THE BILLS

that. Craig Blunt said it was random drug screens on employees. Kenneth Reynolds **moved** to approve payment of the bills in the amount of \$40,458.03. Gordon Kitchen **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Stickman, Inc. - 1584 S. 1500 E. A business license application was received from Stickman, Inc. Craig Blunt said this is a brand-new building and everything with the business checks out. Gordon Kitchen **moved** to approve the business license for Stickman, Inc. Robert Hall **seconded** the motion. The motion passed with all voting aye.

BUSINESS LICENSE APPROVALS

Baker Hughes Pressure Pumping. - A business license application was received from Baker Hughes Pressure Pumping, fka BJ Services. Craig reported that ownership of the business has changed and he will be working to make sure the sales tax number is recorded correctly. Dan Olsen **moved** to approve the business license for Baker Hughes Pressure Pumping. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

Jeremy Raymond came to give the Council a report from the Fire District for 2011. Jeremy acknowledged several of the Naples Fire Department members in attendance. Mr. Raymond presented the Fire District's statistics through a power point presentation, he stated that District wide the total calls in 2011 were 376. He reported on the total number of service hours and training hours. Mr. Raymond broke out the total calls and hours for Naples Fire. He also commended the Department on the hours they donate for Sub for Santa. Mr. Raymond noted that the majority of calls for Naples have been in response to carbon monoxide and fire alarms. Jeremy pointed out some of the upgrades made to different stations in the District. Mr. Raymond said the District also purchased a used fire truck for the airport. Mayor Baker expressed his appreciation to the Fire Department for all they do and to Jeremy for coming to give them an update. Mayor Baker asked if there was anything the Council can do for the Department. David Olsen said the Department

2011 FIRE SUPPRESSION CONTROL DISTRICT REPORT

appreciates everything the Council does for them and they feel like the City backs them 100 percent and they know they can come to them if there is anything they need.

Jim Harper stated that at the last meeting he gave the Council a rough estimate of what it would cost to repair the lights on the dump truck and he was presenting the final bill for approval. Councilman Kitchen said that as he read through the comments on the billing it referred quite often to the wiring being hooked up wrong in the first place. Councilman Kitchen wanted to know who was responsible for the error because it was costing the City funds to correct it. Jim said Tesco Williams was the one who wired the truck to the bed and the sander. He said they wired it according to how they have always done it but the truck the City bought was a newer truck made by a different manufacturer. Jim said he has been in contact with Tesco Williams to see if they are willing to help in any way with the cost of the repairs due to the improper wiring. The total amount requested for the repairs was \$1,837. Robert Hall **moved** to approve \$1,837. Dan Olsen **seconded** the motion. The motion passed with the following roll call:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

***APPROVE ADDITIONAL
AMOUNT FOR REPAIRS
TO THE DUMP TRUCK***

Chief Watkins asked for Council approval to purchase new tires for the 2008 Durango and for one of the Expeditions. The total amount requested was \$1,116. Gordon Kitchen **moved** to approve up the request. Kenneth Reynolds **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

***APPROVAL OF EXPENSES
IN POLICE DEPARTMENT***

Road Department - Jim Harper asked for approval to have Szeth attend OSHA required training for Heavy Equipment operators. This training would be in Tooele and the requested amount was \$748.66. The next request was for Ryan Cook to attend OSHA training for Highway

TRAVEL APPROVAL

Construction. The training is in Salt Lake and the amount presented was \$220.63. The last request Jim made was to attend training in Price for several classes including compaction and backfill, speed limit regulations and grade staking. The total amount request for Jim's travel was \$318.71. Kenneth Reynolds **moved** to approve \$1,288.00 for road department training. Dan Olsen **seconded** the motion. The motion passed as follows:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Absent
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Chris Hoem gave the Council some information on the request to change the R-1 zone (residential zone) front and rear set backs so they are a little smaller. Chris said they would be more in line with the County set backs. Chris stated the current set backs for the City are thirty for the front and thirty for the back. The recommendation is to change the front set back to twenty-four and the rear one to twenty. Chris said the reason is because a developer in Sunstone would like to build larger houses on the lots without increasing the lot size. Chris reported that the Planning Commission held a public hearing last Tuesday and recommended approving the changes. Councilman Olsen wanted to know what their reasoning was. Chris said it was basically to allow the larger homes in Sunstone. Councilman Hall wanted to know if this would affect all of the City. Chris said it would affect any R-1 zones. Mayor Baker asked the representatives from Sunstone to introduce themselves. Mark Wilson, general contractor, and Kelly Heitz, owner of lots in Sunstone Subdivision introduced themselves. Mr. Wilson said the reason they were asking for the change was because they wanted to build a little bit nicer home in Sunstone, one with more contour and depth. Mr. Wilson said that is why they were asking for the variance in the set backs. Councilman Kitchen said it wasn't being presented as a variance, it was being presented as an Ordinance change that would change the set back requirements for all of the subdivisions. Chris said the notice for the changes was mailed to more than 400 residents throughout the City. Mayor Baker said he received some calls about it and he asked how many people were in attendance tonight because of this issue (approximately 8-10 hands were raised). Chris said some of the concerns raised by those who contacted him

***REPORT ON PLANNING
COMMISSION PUBLIC
HEARING REGARDING
CHANGE IN SET BACK
REQUIREMENTS***

by phone were about the City taking some of their land and he was able to tell them that was not what the City was doing. Mayor Baker said he attended the public hearing and his hesitancy in approving it has come about because of the big trucks he sees parked in driveways in other subdivisions. He said they have the potential to obstruct the sidewalks. Councilman Kitchen said he would like to hear what those in attendance have to say on the matter.

Bret Stringham said he isn't opposed to the homes they are wanting to build in Sunstone but he was interested in what type of homes they will build if the change is not approved. Mr. Stringham said he would like to see the nicer homes built in Sunstone.

Greg Olsen asked what the side distances are. Chris said the minimum side set backs are eight feet on one side and twelve feet on the other. Mr. Olsen wanted to know if that was from home to property line. Chris said yes. Mr. Olsen wanted to know if that was from the eaves of the home. Mr. Wilson said it would be from the furthest point of the home. Chris said the homes in Sunstone would actually have eight foot set backs on one side and about fifteen feet on the other which would allow for a truck or boat on the side of the home if they wanted.

An unnamed member of the audience said he would be worried about parking a truck in the front of home with that narrow of a front set back and having a child on a bike wreck into it because it was parked on the sidewalk.

Mr. Heitz said he was shocked when they put together the plans that they would be so limited on what they could put on a couple of the smaller lots. He said if they eliminate the garage they are left with only 800 square feet on the main level of the home.

Mayor Baker said the City has tried to maintain a rural atmosphere and not a high packed density area. He said the thirty-foot frontage has been maintain since the City has been incorporated and this would be a major change for the City.

Mr. Heitz said if the lots were bigger this wouldn't be an issue and they thought it would be a trade off to have a bigger, nicer house and he didn't think it would be noticeable to the eye if they shortened the setback.

Those in the audience wanted to see pictures of what the homes looked like and the lot plans.

Greg Olsen wasn't opposed to what the developers were trying to do, he was just concerned about what this would do in other areas.

Mr. Stringham said this doesn't change the distance between homes, just the front and back distances.

Mayor Baker said he voiced his opinion at the Planning Commission meeting and wants to leave the set backs at thirty feet. He wanted to know if the developer could just move the home back. Mr. Wilson said they could but they are building the homes for families and most parents don't want their children playing in the front yard and if you shrink the back it doesn't allow for any play area for children.

Mr. Heitz said they aren't planning on pushing the line for the set backs he said the change would allow for greater definition on the home so they don't have to be just box type homes.

Mr. Wilson said they are going forward with building their homes whether the Council approves the change or not but they would rather build nicer looking homes with definition instead of "cookie cutter" homes.

Mr. Stringham thought maybe they could make exceptions for the lots on the south side that are smaller.

Mr. Heitz thought it would be a win-win situation for everyone if they built the nicer looking homes. They will go forward with the homes if the change in set backs is approved or not.

Mayor Baker said you have company trucks in this area that, even with the current set backs, stick out onto the sidewalk if they don't pull all the way up to the garage.

Councilman Kitchen still wanted to know if they made this change would they be getting more lots of this size in future developments. He wanted to know if they could do a variance in this subdivision without affecting the whole City R-1 zone.

Chris Hoem said he spoke with Dennis Judd and found the

only way to do that would be to create a brand-new zone like an R-1A and then zone the one subdivision that way. Chris said that Hunter Hollow and Pheasant Run both have lots about the same size as the lots in Sunstone. Chris said this would allow for larger homes in those subdivisions also. Chris said they could look to make a change in lot size requirements in the future.

Councilman Reynolds said he would like to see the City take on the responsibility of enforcing the ordinance of not parking on the sidewalks and have nicer homes in the subdivisions rather than the "cracker box" homes. He wanted to see the Council go with the recommendation of the Planning Commission.

Councilman Olsen said he just built a new garage and has thirty feet to back out but still finds he is almost into the road before he can close his garage door or have enough visibility to pull out. He stated he experiences the same problem in Park View subdivision with trucks being almost into the sidewalk while parked at their homes.

Councilman Hall said the tough part with this is everyone is right in one way or another. He would like to see the nicer homes but he is worried about how it affects the whole city. He also didn't want to be the one to make the citizens mad by enforcing the parking.

Craig wanted to know if the Council would entertain another meeting to allow discussion on this particular subdivision request.

Kenneth Reynolds **moved** to accept the recommendation of the Planning Commission to change the set backs to twenty-four feet on the front and twenty feet on the back.

Councilman Hall said he would rather look at the other option of possibly re-zoning so these developers could have what they want.

The **motion died** for lack of a second.

Councilman Hall said he would like to have a win-win in this situation, he asked Chris what that would require in this situation.

Mr. Heitz asked Councilman Hall if creating a new zone and

giving a variance to one subdivision is going to eliminate the same issue in other subdivisions. He said when the Council approved 8,000 square foot lots it created a design problem with narrow lots that don't allow for a larger, nicer looking home. He said they could build homes to fit the lots but they are not what people are looking for in today's market and they are not going to be homes that attract families. He said the Council will run into the same issue with any subdivision that has 8,000 square foot lots. Mr. Heitz said this subdivision does not have a busy road where there will be a lot of safety issues pulling out of their homes.

Mr. Wilson said the homes they are building now are attracting families that want to stay.

Councilman Hall said he understands that but he is also conflicted because Planning & Zoning approved it.

Chris said the Ordinance presented would amend Chapter 02-24, which were the changes just talked about in R-1 set backs. Chris said Chapter 02-26 was the commercial zone set backs and maximum height allowance in a commercial zone. Mayor Baker wanted to take them one at a time. Chris said if the Council were to approve Ordinance 12-136 they will need to cross out Chapter 02-24 because they didn't approve those changes. Chris said the Planning Commission reviewed the Commercial zone and found a few problems. He said the first was the form-based code didn't have the right set backs, they showed a thirty foot set back and they want the buildings to be set closer to the road to allow for a store front walkway. Chris said in order to make that work the set backs in a commercial zone need to be changed to fifteen or twenty feet. Mayor Baker wanted clarification on the C-zone. Chris said this would be just the downtown area (C-1 zone) and the change would help with the retail building the City wants to build. Chris said they would change the rear set back to ten feet. Mayor Baker said he was confused about the minimum lot width of twenty feet. Chris said that was put in there to accommodate a smaller store like Vernal's main street has. Mayor Baker said it is confusing because it sounds like someone could come in and buy a lot that is twenty feet wide instead of allowing for a twenty foot wide store front in a strip mall. There was a discussion about specifying what the parking requirements are if you have a twenty-foot lot and Chris didn't believe it needed to be included because the parking lot requirements are spelled out in that section of the Land Use Ordinance. Chris said the other issue that has come

***A P P R O V A L O F
O R D I N A N C E 1 2 - 1 3 6
A M E N D I N G C H A P T E R S
0 2 - 2 4 & 0 2 - 2 6 O F L A N D
U S E O R D I N A N C E***

about is the height restriction in the C-zone. Chris said a hotel is interested in building in the City and they want to build multiple stories. Chris said the maximum height allowance presented to, and approved by, the Planning Commission was fifty feet but he would like to change that to fifty-five feet. Chris said the height restriction was first placed in the Ordinance because the City did not have a fire truck with a long enough ladder. Chris said the Naples Fire now has a truck with a seventy-five-foot ladder and Vernal City has a truck with a hundred-foot ladder. Mayor Baker asked if this change would be to the C-zone or the C-1 zone. Chris stated this change was made to both the C-zone and the C-1 zone. Chris said the only other changes were made to clean up the Ordinance. Councilman Kitchen said he had some concerns with some of the permitted businesses in the Commercial zones. Gordon Kitchen **moved** to table this discussion to the end of the meeting. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Bill Crowley with Site West Development was in attendance at the meeting seeking final plan approval for EVCO. Their plan was to put a commercial building between Country Grub and the LDS Church building. Councilman Olsen wanted to know if they had the amended plans with water easements. Council members didn't have final plans for the building. Councilman Hall asked what size of building they would be constructing. Mr. Crowley said it would be a ten thousand square foot building. He said the company supplies hoses to the oil and gas industry. Mayor Baker said he doesn't see a water easement on the plan and would like to see that before he signs the plat. Mr. Crowley wanted to know if there were any other problems with the plans. Mayor Baker said he doesn't see anything else. Mr. Crowley said he could have that drawn on the plans and have it the next day. Councilman Olsen said they could show the twenty-foot easement on the north side next to the church parking lot. Dan Olsen **moved** to accept the final plan submitted by EVCO as long as they show the irrigation easements. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

Councilman Reynolds said Bruce Cook would like to change the zone on property he owns in order to build a home on it. Dan Olsen **moved** to set a public hearing for re-zoning on February 23, 2012 at 8:00 p.m. Robert Hall **seconded** the motion. The motion passed with all voting aye.

***FINAL PLAN APPROVAL
FOR EVCO***

***MOTION TO SET PUBLIC
HEARING FOR REZONE
REQUEST ON COOK
PROPERTY***

Guy Collett came to update the Council on the Beehive Home located in Naples. Guy said it has been almost a year since they started the construction. He said they have ten CNA's and eleven residents. He said the location is perfect and they really enjoy their neighbors. Mr. Collett stated that none of the residents of the home are from Naples. He said they would like help in getting the word out about the Home. Mr. Collett said they have invited the students at Naples Elementary to come and sing to the residents and he would also like the Naples Fire Department to come and tour the Home. Mr. Collett asked the Council with help in getting the word out about what a good facility this could be for anyone in need of assisted living. Councilman Hall wanted to know if some of what was keeping people from coming there was economic driven. Mr. Collett explained that some of the residents are on Medicaid and one is receiving VA benefits. He said it would be nice to have people who are from the area staying at the Home. A member of the audience asked if Mr. Collett considered taking flyers to the Golden Age Center. He said he would look into that.

UPDATE ON BEEHIVE HOME

Craig Blunt wanted the Council to be aware of the changes that need to be made to the retail development because of the utility easements running along the edge of the property. Mayor Baker wanted to know where the City is on being able to finance the project. Craig said they will need to go after alternate funding. Councilman Kitchen wanted to know what the cost would be if they went with a traditional building as compared to a building with form based coding requirements. Craig said they also need help with locating a third tenant for the outlet.

UPDATE ON RETAIL OUTLET PROJECT

Councilman Kitchen said he would like to add a discussion item to the next Council agenda on waiving the fee for the Naples Splash Park business license.

FUTURE COUNCIL MATTERS

Robert Hall **moved** to return to item eleven, the discussion on the commercial zones and set backs. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Craig Blunt wanted to know if the setbacks in Sunstone could be considered as a conditional use or a variance in conditional use. Chris said a better word might be exception. Chris said if they go closer than thirty feet in the front then they have to have a bigger side set back. Chris said they would have to designate that as parking and they wouldn't

CONTINUED DISCUSSION ON COMMERCIAL ZONE AND SET BACKS

be able to build in that area. Mayor Baker said he isn't opposed to it but typically they park in the driveway causing the problem. Chris said he could work with Dennis Judd to get the correct wording to allow for a shorter front set back but requiring a larger side set back and it would have to be on the garage side designated as a parking area. Craig said Chris could take the suggestions back to Dennis Judd and work with him to see if they could bring this back to the next City Council meeting and determine if they could approve it. The Council also discussed the requirement for a privacy fence in the rear. Mr. Heitz said they are not the developer, they are only the builders and wouldn't be responsible for the fences. Councilman Kitchen said he would like Chris to bring back, in writing, the changes discussed so they can see it. He thought they couldn't make a decision based on just what they have talked about. Chris wanted to know if the Council would approve the change to the rear set back without it being brought back again. Mayor Baker said they wouldn't be helping the builder with doing just that half portion. He wanted to know if Mr. Heitz would be satisfied with that. Mr. Heitz said he would be more satisfied with that than with no change at all. Mayor Baker wanted to know if the Council chose not to make any change in the front set back and only changed the back could they live with that. Chris said the builders have said several times that they want to have the larger back yards to appeal to families. Nancy Olsen said that would be the choice that a buyer makes. She said a family could choose to have a larger home and sacrifice the larger yard. Chris said that would be asking them to have a less marketable house. Greg Olsen said that is why this should be a case by case basis because you would be making a change that would affect the whole City. Councilman Kitchen asked if the builders would be willing to wait the two weeks for the Council to come up with a more workable plan. Councilman Kitchen **moved** to have Chris and Craig come back with the conditional uses and present those to the Council at the next meeting. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

Council members discussed the uses for Commercial zones at this time. Chris said it would be good if the Council could try and stay away from the conditional uses as much as possible. Councilman Kitchen wanted to know about the arcade and why it was allowed in one zone and not the other. They chose to make it permitted in both zones. Councilman Olsen questioned the altering, pressing, repairing clothing and wanted to know why that wouldn't be permitted

like as in a Mr. Mac store. Chris said clothing stores are allowed but they looked at altering, pressing, and repairing as more manufacturing. Councilman Reynolds said it would be permitted in the store. They said they can permit it. They discussed pet hospitals, auto dealerships, bath & massage places, and printing offices. Councilman Kitchen asked about building material sales, referring to something like Milt's or Home Depot, it was suggested to leave those permitted. Councilman Kitchen asked about the dance hall. Chris said they left those as permitted because they wanted to allow a social area for people to meet and dance. The question was raised about exotic dancers. Chris referred to the dance studios like they have in Vernal. It was determined to leave those as conditional. Councilman Kitchen questioned the funeral homes or mortuaries. He said they need to consider the professional business area of the Downtown as well as the Commercial. Mayor Baker also questioned the minimum lot width of twenty feet. They wanted to make sure the parking was covered. Mayor Baker thought Chris could reference it here. Chris said it shouldn't need to be because it is covered in the off street parking portion of the Ordinance. Chris said they would never approve a lot development of that size without making sure the off street parking is covered. Council members reviewed several of the business types listed and Chris said he would bring the changes discussed back to Council for their final approval.

Council members reviewed the height restrictions again for commercial buildings. Mayor Baker said he did hear some comments on keeping the rural lifestyle of the area. It was discussed to approve changing the height restriction to fifty-five feet.

With no other business before the Council, Dan Olsen moved to adjourn the meeting at 10:05 p.m. Gordon Kitchen seconded the motion. The meeting was adjourned.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 23rd DAY OF FEBRUARY 2012

BY: _____

ATTEST: _____